

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

June 14, 2007

Chairman T. Michalski called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: J. Aslakson, L. Spataro, B. Larson, S. Warmington, B. Mazade, B. Turnquist, T. Michalski, T. Harryman, B. Smith

MEMBERS ABSENT: None

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: D. Rinsema-Sybenga, Muskegon Main Street; J. Vrbina, 1272 S. Getty; M. Hacker, 2199 Becker; J. DePoy Jr, Lakeshore Community Church; P. Meyer, 2391 Barclay; F. Sohasky, 2281 Barclay; K. Davis, 3162 Boltwood; M. Gongalski, 1620 W. Norton; K. Chew, Brookstone Capital, Midland MI; G. Breen for K. Chew; B. Betten, 2501 Henry St.; D. Swiftney, Hooker DeJong, 410 Terrace

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of May 10, 2007 be approved, was made by J. Aslakson, supported by B. Larson and unanimously approved.

OLD BUSINESS

S. Warmington arrived at 4:05 p.m.

Downtown Parking – L. Anguilm discussed a map and chart of the downtown area showing available parking and anticipated parking needs. B. Mazade reviewed information on discussions he has had with DMDC personnel. J. Aslakson stated that he wasn't comfortable with the total amount of spaces listed because that number would decrease once development started, but this was an improvement. S. Warmington discussed the parking situation and stated that some progress was made with the DMDC. He would support the Chamber building, since they had obtained a parking agreement for the necessary 50 spaces. He stated that developers needed to take on the responsibility of providing parking for their buildings. Other possibilities for parking areas were discussed. T. Michalski asked what should be done with the information. L. Anguilm stated that the Planning Commission could adopt it as part of the PUD, but that would require a public notice. S. Warmington suggested notifying the DMDC of that possibility, and asked D. Rinsema-Sybenga if next month's meeting would be acceptable. D. Rinsema-Sybenga stated that it would. S. Warmington stated that staff could work with D. Rinsema-Sybenga on that.

NEW BUSINESS/PUBLIC HEARINGS

Hearing; Case 2007-20: Request for a Special Land Use Permit, per Section 1301 (#1) of Article XIII of the Zoning Ordinance, for the sale of used cars at 1308 S. Getty Street, by Juan Vrbina, JV

Autos. L. Anguilm presented the staff report. The site is presently a vacant parcel located adjacent to Mr. Vrbina's car detailing shop at 1272 S. Getty Street. A large portion of the property is paved, but there is a small section on the north side that is dolomite. Cars are being parked all over on the lot at the present time in conjunction with the detail shop. The applicant is requesting a special land use permit for the sale of used cars on the 1308 S. Getty property only. Because the auto detail shop's location is so close to the intersection of Getty and Evanston, that property may not be used for used car sales. The zoning ordinance states "Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets." The property at 1308 S. Getty meets this criteria, while 1272 S. Getty doesn't. The applicant's property is zoned B-4, General Business, as are properties to the south and west. The property to the north is zoned B-2, Convenience and Comparison Business, and to the east is R-1, Single Family Residential.

B. Smith arrived at 4:18 p.m.

There is a large, mature oak tree located near the center of the lot, which the applicant will leave in place. The dolomite area of the property needs to be paved to match the remaining asphalt on the lot. The Planning Department's conditions are listed in the motion for approval. The Engineering Department has no issues with the site plan, nor do the Fire Department and DPW. Staff received an e-mail from Jim Vanderwier, 1250 S. Getty Street. He has no problem with the proposed use of the property. B. Flora of 748 Hill and F. Pace of 775 Evanston also contacted staff to state that they have no objections. Staff recommends approval of the request with the conditions listed in the staff report.

B. Larson asked J. Vrbina if 6 months would be enough time to allow him to pave the lot. J. Vrbina stated that he had no problem with the conditions.

A motion to close the public hearing was made by T. Harryman, supported by B. Larson and unanimously approved.

A motion that the request for a Special Land Use Permit, per section 1301 (#1) of Article XIII of the Zoning Ordinance, to allow for the sale of used cars in a B-4 zoning district at 1308 Getty Street, by Juan Vrbina, JV Autos be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance with the conditions that 1) the section of the parking area that is currently dolomite be asphalted within 6 months of the issuance of the special use permit, 2) the rear of the property shall be screened from the adjacent residential use, 3) autos displayed for sale are to be located on the property at 1308 S. Getty Street only, and not on the owner's adjacent property at 1272 S. Getty, 4) the owner/applicant shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, and 5) the Special Land Use Permit affidavit shall be recorded with the register of deeds prior to beginning construction, was made by B. Larson, supported by T. Harryman and unanimously approved.

Hearing; Case 2007-21: Request for a Special Land Use Permit, per Section 401 (Special Land Uses Permitted, #3) of Article IV (R-1, Single Family Residential) of the Zoning Ordinance, for a church at 2330 Barclay Street, by Matthew M. Gongalski, Lakeshore Community Church. L. Anguilm presented the staff report. The site is a 6.26 acre parcel with a 14,325 square foot building that is currently vacant, which formerly housed the Moose Lodge. The applicant is requesting a special land use permit for a church. A special land use permit was obtained in July 2004 by a different church for this property, but the conditions were never met and the permit was revoked in 2006. The property is zoned R-1, Single Family Residential. The property to the north is zoned

RM-1, Low Density Multiple-Family Residential, to the east and west is R-1, Single Family Residential, and to the south is a PUD overlay for Wildwood Creek condos. The Future Land Use Map shows this property as "Multi-Family Residential". There are two large parking lots currently paved and available. One is located to the south of the building and the other to the rear. This amount of parking is more than adequate for the proposed use. The lots are in disrepair with many cracks and vegetation sprouting through. The Planning Department's conditions for approval are: any dumpsters located on the site must receive site plan approval and be screened to meet the zoning ordinance, the parking lots need the vegetation removed, the cracks repaired, and the asphalt re-stripped so the parking spaces are clearly visible, and any signage would need a permit. The Engineering Department has no issues with the site plan. The Fire Department has the following conditions: a key box shall be installed on the building for Fire Department access, and a fire flow test shall be conducted to determine available water supply. The DPW has no issues with this site plan, but does have the following comment: suggest a meeting between the City DPW and developer to discuss fire protection service line options. Commissioner Steve Gawron sent an e-mail opposing the request. John MacDonald, 2297 Barclay called to say he is opposed to the request. Eric Johnson, 2344 Vincent, has no problem with a church on the site. Staff recommends approval of the request with the conditions listed in the staff report.

B. Mazade stated that he wasn't sure that a church was the highest and best use of this property, especially considering the large size of the parcel. T. Harryman asked how long it had been vacant. B. Larson stated that it had been 4 years. B. Turnquist asked what S. Gawron's reasons were for being opposed to the request. L. Anguilm stated that he also felt this was not the highest and best use.

M. Hacker was the developer for this project. L. Spataro asked if there were any plans for the remainder of the site, since the current building took up such a small portion of it. M. Hacker stated that there were presently no plans for further development. S. Warmington stated that he was familiar with the church. They had grown substantially over the past couple of years and were looking for a new building that would accommodate their growing congregation. He was aware that a SUP had been issued for a church at this site previously, and suggested it to the applicant. B. Larson asked how many employees would work at the church, if the SUP were approved. J. DePoy Jr. stated that there were currently 2 full time and 1 part time, but due to their rapid growth, he wasn't sure how many they would need in the future. T. Harryman confirmed with the applicant that it was their intent to purchase and control the property, and asked if they had any thoughts about further developing the property. J. DePoy Jr. stated that they didn't at this time. B. Turnquist stated that the building had been vacant for some time and needed a lot of work. He asked what the remodeling plans were and what the timetable for completion was. M. Hacker stated that it would be completely renovated, and remodeled inside and out. The parking lot would be patched and paved as necessary. They hoped to be moved into the church by September 1. J. Aslakson asked if approval of this SUP would preclude residential development. L. Anguilm stated that it would require further review and possibly an amendment to the SUP.

P. Meyer was concerned with the deterioration of the property and hoped that all repairs would be taken care of. She would also like to see gates at the driveway entrances to keep vehicles out after hours, as this had been a problem at the site. F. Sohasky had no problem with the church, but was opposed to any further development into residential housing. L. Spataro stated that the land was zoned R-1, so by right they could subdivide it for single family housing. K. Davis asked what the loss in tax revenue would be, since the church was tax exempt. M. Gongalski stated that the owner told him he paid about \$8,000 per year in taxes. He also stated that the church expects to take in

well over that amount annually and invest it back into the community through different programs. S. Warmington stated that only a fraction of the \$8,000 would actually be paid to the City.

A motion to close the public hearing was made by S. Warmington, supported by J. Aslakson and unanimously approved.

A motion that the request for a Special Land Use Permit per section 401 (#3) of Article XIII of the Zoning Ordinance, to allow for a church in an R-1 zoning district at 2330 Barclay Street by Matthew M. Gongalski, Lakeshore Community Church, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance with the conditions that 1) conditions listed in #6 and #8 of the staff report are met, 2) the owner/applicant shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, 3) the Special Land Use Permit affidavit shall be recorded with the register of deeds prior to beginning construction, and 4) if the church decides to further develop the property, they obtain Planning Department approval, was made by S. Warmington, supported by B. Larson and unanimously approved.

Hearing; Case 2007-22: Request to amend the Final PUD for 100 Muskegon Mall, for the properties located at 380 W. Western Avenue, by Don Swiftney, Hooker DeJong Architects & Engineers. L. Anguilm presented the staff report. The applicant received approval for the Final PUD from City Commission on February 22, 2005. At that time, the site plan only included the proposed street grid, location of five existing buildings, and "buildings and structures as proposed and the spatial relationship to each other and existing downtown structures". Uses within existing or newly developed buildings had not yet been determined, but the approval was for "mixed use, residential and commercial". The PUD was amended in June 2005 to revise the street design. The changes included eliminating two traffic circles, and adding one at the corner of Third and Western. Also changed was the configuration of Jefferson Street, eliminating two intersections. The changes proposed at this time include the construction of the new Chamber of Commerce office building. The building has two floors consisting of 10,000 square feet on each floor. There are 13 parking spaces located at the rear of the building, with another 50 spaces secured with a parking agreement with the DMDC. This appears to be adequate for the proposed uses in the building. The Planning Department has the following conditions for approval: a) parcel number and address need to be shown on the site plan, b) topography elevations, arrows showing direction of existing overland flow of storm water runoff, a grading plan and soil erosions and sedimentation control measures must be shown, c) show the location of snow storage areas, d) indicate location, type, height and design of all outdoor lighting, e) if any dumpsters will be located on the site, show their location and proposed screening, which must meet the zoning ordinance, f) show location of fire lanes, fire lock box and security lighting, g) provide a project description, h) maneuvering lanes for two-way parking areas must be 22 feet in width, and i) provide a copy of the parking agreement for the 50 spaces between the Chamber of Commerce and the DMDC to the Planning Department. DPW and Police approved of the revised site plan. The Fire Department lists the following conditions of approval: a) fire flow water supply testing shall be conducted, and b) key box shall be installed for Fire Department access. Engineering had the following condition: show existing utilities; some are through the vacated alley area. Staff has received no other comments on this request, and recommends approval, with the listed conditions.

There was discussion of the fire flow test between staff and board members. D. Swiftney explained what the test was for. He stated that if they ran into problems with the flow, they would find a larger main to use. He also explained how he planned to accommodate the 22-foot width requirement behind the building as mentioned in the staff report. T. Harryman asked what the roof

composition would be, and if they had considered a green roof. D. Swiftney stated that it would be a membrane roof. He stated that a green roof would add substantial cost, but they were considering other energy-efficient features. B. Larson asked if they were aware of the City's lighting ordinance requirements. D. Swiftney stated that they were.

A motion to close the public hearing was made by T. Harryman, supported by B. Larson and unanimously approved.

A motion that the minor amendment to the Final PUD for 100 Muskegon Mall, 380 W. Western Avenue be approved, pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, subject to the condition that all conditions listed by the Planning, Fire, and Engineering Departments in #6, 8 and 9 of the staff report be met, was made by J. Aslakson, supported by B. Larson and unanimously approved.

The Mayor thanked the Chamber for taking a leadership role in the redevelopment of the downtown area.

Hearing; Case 2007-23: Staff-initiated request to amend Section 300 (Districts) of Article III, (Zoning Districts and Map), of the zoning ordinance to remove H, Heritage District as a delineated zoning district. L. Anguilm presented the staff report. Since the H, Heritage District has now been eliminated, any references to it need to be removed from the Zoning Ordinance.

A motion to close the public hearing was made by J. Aslakson, supported by B. Larson and unanimously approved.

A motion that the amendment to Section 300, (Districts) of Article III, Zoning Districts and Map, of the City of Muskegon Zoning Ordinance to remove the reference to H as a delineated district be recommended to the City Commission for approval, was made by T. Harryman, supported by L. Spataro and unanimously approved.

Hearing; Case 2007-24: Staff-initiated request to amend Table I, (Heights, Areas, and Yards), Table Notes, #6 of the zoning ordinance to remove the reference to the H zone. L. Anguilm presented the staff report. Since the H, Heritage District has been eliminated from the Zoning Ordinance, Table 1 and its "Table Notes" need to be amended to remove any reference to it.

A motion to close the public hearing was made by B. Mazade, supported by T. Harryman and unanimously approved.

A motion that the amendment to Table I (Heights, Areas, and Yards), and Table 1 Notes, #6, of the City of Muskegon Zoning Ordinance to remove references to the H zoning district, be recommended to the City Commission for approval was made by L. Spataro, supported by T. Harryman and unanimously approved.

NEW BUSINESS

Case 2007-25: Request for site plan review for a 24 unit townhouse/apartment development at 552 and 570 W. Clay Avenue, by Karl Chew, Renaissance Place LDHA LP. L. Anguilm presented the staff report. A portion of the site is presently vacant, and the remainder has a warehouse building that is set to be demolished as part of this project. The applicant requests approval for construction of a 24-unit townhouse/apartment building. The development will be for senior citizens, age 55 and

over, and will be income restricted. The property was recently rezoned from H, Heritage to B-3, Central Business. The properties to the north, west and east are zoned B-3, and to the south is R-1, Single Family Residential. Design review was done by the Historic District Commission (HDC) on June 5th. The design was approved, with some minor revisions to be approved by Planning Department Staff. Their approval was required because the properties are in the Clay-Western Historic District. The HDC gave their approval in 2006 for the demolition of the remaining warehouse building. The parking meets the revised parking requirements for residential developments in the Downtown Parking Overlay District. The Planning Department requires the following amendments to the site plan as condition of approval: a) show area reference points for adjacent properties (drives, structures within 100 feet), b) indicate 100% cut-off lighting for all outdoor lighting, c) revise the landscaping plan to indicate adequate number of canopy trees in the front setback and proper landscaping for the parking lot bump-outs, and d) any signage would require a sign permit. The Engineering Department has no issues with the site plan. The Fire Department has the following conditions: a) owner shall contact the State office of DEQ concerning environmental contamination and remediation for this site, b) fire flow water supply test shall be conducted and submitted to the Fire Marshall, and c) key box to be installed on building's street front. The DPW has no issues with this site plan, but does have the following comment: contact Kelly DeFrench for water & sewer service and connection fees at 231-724-4184. Staff has received no other comments regarding this request and recommends approval subject to the listed conditions.

B. Turnquist asked the applicant to define "income restricted". K. Chew stated that there was a minimum and maximum income level based on household size. The numbers are set by MSHDA and they change each year. Currently the range is approximately \$15,000 to \$19,000 per year for a single person. T. Harryman asked if there were any market rate units. K. Chew stated there was one. J. Aslakson asked how long MSHDA required income limitations on the units. K. Chew stated that there was a 15 year compliance period. Sidewalks and walkways around the property were discussed. K. Chew stated that the sidewalk would be completely replaced. L. Spataro asked if the HDC requirements had been addressed yet. G. Breen stated that the drawings were being redone now to accommodate those. L. Spataro asked how many entrances facing Clay St. would be on the new drawings. K. Chew stated there would be 5. L. Spataro asked if there had been any discussion with the neighboring developer regarding parking. K. Chew stated that he hadn't been approached about that yet, and that his development had adequate parking. B. Mazade asked about the status of environmental remediation at the site. K. Chew stated that they had done a Phase I and II, and had filed a work plan with the State. B. Mazade asked if DEQ approval was necessary, and K. Chew stated that he had already received their approval.

A motion that the site plan for a multi-family residential building located at 552 and 570 W. Clay Avenue for Karl Chew, Renaissance Place, be approved, based on the conditions that: 1) all requirements addressed in item #7 of the staff report shall be provided as needed on a revised site plan prior to issuance of a building permit, and 2) all conditions of the Fire Department listed in item #9 of the staff report are met, was made by B. Larson and supported by B. Smith with discussion continuing on the motion.

L. Spataro stated that there were many vacant units of similar housing within blocks of this development, and he did not support the type of financing for this project. However, the developer had met all necessary requirements. T. Harryman concurred. He asked if the units proposed for the neighboring development were market rate. L. Spataro stated that they were.

A vote was taken on the above motion, and was unanimously approved.

Case 2007-26: Request for site plan review for a Hyundai car dealership at 2501 Henry Street, by Bryan Betten, Betten Chevy-Cadillac. L. Anguilm presented the staff report. The property is the site of the former Tom Miller Pontiac dealership. The applicant requests site plan approval for the removal of the present building and temporary trailer used for a used car sales office, and construction of two new buildings. The property is zoned B-4, General Business. The properties to the north and east are zoned B-4, and those to the south and west are zoned B-2, Convenience and Comparison Business. When the environmental work was done on the site, some minor contamination was found. In order to bring the entire site to the same grade, some soil will be stripped from the front of the site and placed in the rear. It is a requirement of the State DEQ that the soil be capped after being moved to the rear of the site. This will be done with asphalt paving, and then striped for approximately 150 additional parking spaces. Ordinarily, staff would recommend that this is excessive parking and excess paving for the property, but due to the DEQ's capping requirements, staff believes the parking plan is acceptable. The project will be done in phases, with the Hyundai dealership being the first building constructed. The time line for construction of the entire site is unknown. Staff recommends that no existing pole signs be removed before consulting with Mike Cameron, Code Coordinator. Some signage is non-conforming and if removed, may not be replaced. Mike can advise the owner of how to best make use of the present signs, and what additional signage may be allowed. The Planning Department requires the following amendments to the site plan as a condition of approval: a) show building dimensions, including height of proposed buildings, b) all conditions of the "Zero lot line option" must be met, including the condition that states, "A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the Zoning Administrator with the site plan or plot plan", c) show location of snow storage areas, d) indicate height of poles for all outdoor lighting, e) details of dumpster screening must meet the zoning ordinance requirements and be shown on the site plan, f) show location of Fire Department key lock box, and g) show gradient for the swale at the rear of the property. It may not be more than 1:3. The Engineering Department has the following conditions of approval: a) proposed drives need to be concrete and a sidewalk through needs to be separate concrete as well, up to the property line, and b) a soil erosion permit must be obtained from the County. The Fire Department has no issues with the site plan. The DPW also had no issues with this site plan, but does have the following comment: Contact Kelly DeFrench for water & sewer service and connection fees at 231-724-4184. Staff has received no other comments regarding this request and recommends approval, subject to the conditions listed in the staff report.

L. Spataro complimented the applicant on the pedestrian walkway through the site that was shown on the plans. T. Harryman asked about a timeline for completion. B. Betten stated that Hyundai was anxious to get started, and they would like to finish that building before the end of the year if possible. Commission members expressed their appreciation to the applicant for remaining in the City of Muskegon.

A motion that the site plan for a new car dealership located at 2501 Henry Street for Bryan Betten, Betten Chevy-Cadillac, be approved with the conditions that: 1) all requirements addressed in item #8 of the staff report shall be provided as needed on a revised site plan prior to issuance of a building permit, and 2) all conditions of the Engineering Department listed in item #9 of the staff report are met, was made by L. Spataro, supported by B. Turnquist and unanimously approved.

OTHER

Lighting Board members discussed the City's lighting ordinance requirements. B. Larson stated that he had read the informational material in the meeting packet and understood the need to regulate lighting. However, he was concerned about competition for businesses from neighboring municipalities, and asked if they had similar ordinances. L. Anguilm stated that some did, but she wasn't sure about all of them. L. Spataro saw the ordinance as a selling point. A businesses investment wouldn't be devalued because someone next door was creating a nuisance by doing a poor job with their site planning. B. Larson asked if the City was doing enough to educate developers and business owners about the lighting requirements, and L. Spataro shared that concern. He suggested meeting with local contractors and architects. L. Anguilm explained the site plan review process, and the checklist that she uses to ensure all requirements are covered. S. Warmington suggested having applicants initial this checklist to show that they have reviewed it and are aware of the requirements. L. Anguilm stated that she could do that. T. Harryman stated that lighting was a very important design element affecting quality of life. J. Aslakson stressed the importance of making sure developers are well informed of the requirements and the consequences for non-compliance. B. Larson asked if staff could put the language regarding the horizontal plane on the agenda for the next meeting. L. Anguilm stated that she would.

There being no further business, the meeting was adjourned at 5:46 p.m.

dml

6/14/07